

REMARKS

The drawings are objected to because of various informalities. Replacement sheets for Figures 1-3 are attached.

Claims 1-29 are pending. Claim 15 is rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement. Claims 1-2, 4-9 and 24 are rejected under 35 U.S.C. §102. Claims 3, 10-14, 16-19-23 and 25-29 are rejected under 35 U.S.C. §103.

The specification and claim 15 have been amended, as discussed below.

Objections to the Drawings

Figures 1 and 2 have been amended by changing the various labels as suggested by the Examiner.

Figure 3 has been amended to show the correct labels for the speaker and sound adapter, and the reference numeral for the speaker has been changed to 395 (the suggested label 397 is already used to designate another item in Figure 3).

Having corrected the above informalities, Applicants request that the objections to the drawings be withdrawn.

Amendments to the Specification

The paragraph beginning on p. 2, line 26 of the specification has been amended to correct an inadvertent mistake, and to clarify that one advantage of the present invention is to allow a user to record a message without requiring a camera operator or a tripod.

The paragraph beginning on p. 5, line 3 of the specification has been amended by adding a sentence relating to the subject matter of the amended claim 15, namely, to include at least two cameras for capturing stereoscopic video data. Since claim 15 forms a part of the original application, no new matter has been added as a result of this amendment.

Claim Rejections

A. 35 U.S.C. §112, first paragraph - enablement

Claim 15 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement because the claim contains subject matter not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention.

Claim 15 has been amended to correct minor, inadvertent grammatical mistakes. No new matter has been added. Applicants respectfully disagree with the basis of the rejection for lack of enablement, as explained below.

Although the specific language in claim 15 is not explicitly disclosed in the specification portion of the application, Applicants submit that the language of the amended claim 15, i.e., "wherein said at least one camera comprises at least two cameras for capturing stereoscopic video data of the user," is nonetheless sufficiently clear to enable one skilled in the art to make and use the claimed invention.

As stated in MPEP §2164 (2100-193, Rev. 6, Sept. 2007):

"when the subject matter is not in the specification portion of the application as filed but is in the claims, the limitation in and of itself may enable one skilled in the art to make and use the claim containing the limitation. When claimed subject matter is only presented in the claims and not in the specification portion of the application, the specification should be objected to for lacking the requisite support for the claimed subject matter ..."

Since the language of claim 15 allows one skilled in the art to readily understand the system as having at least two cameras for capturing stereoscopic video data, Applicants submit that the invention of claim 15 is fully enabled, as filed.

Applicants have also amended the specification, i.e., paragraph 20 of the published application (or paragraph on p.5, lines 3-15, of the original specification), to include the subject matter of claim 15 in order to provide corresponding support.

Since the embodiment in claim 15 is enabled and also sufficiently described in the amended specification, it is requested that the rejection of claim 15 under 35 U.S.C. 112, first paragraph, be withdrawn.

B. 35 U.S.C. §102

Claims 1-2, 4-9 and 24 are rejected under 35 U.S.C. §102 as being anticipated by Kojima et al., US Patent 6,980,236 (hereinafter, "Kojima").

Applicants submit that Kojima does not anticipate Applicants invention because it does not teach each and every element provided in claims 1-2, 4-9 and 24.

Claim 1

Independent claim 1 recites, in part:

"a video display, having a fixed position, for playing back a video portion of a video message from a user;

a frame for framing said video display; and

at least one video camera disposed on said frame, and oriented in a same direction as said video display, for capturing video data of the user for inclusion in the video portion of the video message."

Kojima teaches an apparatus, specifically, a personal computer (PC) with image capturing function, which allows an image to be captured by operating only a single button. Kojima's invention is intended to overcome a common problem in prior art PCs, in which the time required to operate a pointing device and other controls for capturing an image may cause a user to miss an opportunity for a good picture. (See Kojima, col. 1, lines 15-42.)

Thus, Kojima provides a half-push switch, which activates a window of an image pickup application program to appear in front of other applications windows, and by fully pushing the switch, an image can be captured and stored to a hard disc drive. (See Kojima's Abstract.)

The Office Action cited Kojima's FIGS. 1-2 and col. 2, lines 52-67 as allegedly teaching the features of Applicants' claim 1 (see p. 4, Office Action). Applicants disagree.

Unlike Applicants' invention, Kojima does not teach a video display with a fixed position. Instead, the cited sections of Kojima are directed to a portable PC that has "a body 2 and a display part 3 attached swingingly to the body 2" (Kojima, col. 2, lines 16-17). FIG. 1 shows the computer with the display part swung open, and FIG. 2 shows the display part swung shut (Kojima, col. 2, lines 17-20).

In other words, Kojima specifically teaches away from Applicants' claim 1 of providing a display with a fixed position. Aside from not being fixed in position with respect to the computer body, Kojima's display is also attached to a portable PC (col. 2, line 13-17). As such, there is no support for the Office Action's assertion that Kojima's video display has a fixed position.

Regarding the image capture application, Kojima teaches a single-button operation in a PC for capturing an image, which overcomes the time-consuming approach of the prior art, so that a picture of an object can be captured easily and quickly at an opportune time (see, e.g., Kojima, col. 1, lines 21-48). This is very different from Applicants' video message system, which is designed for capturing video data of a user for inclusion in a video message and for subsequent playback, and there is no need in the video message system to accommodate the type of urgency that Kojima's PC is designed for.

Since Kojima addresses a totally different problem compared to Applicants' invention, it is not surprising that there is no teaching in Kojima for a video message system, or a video display configured for playing back a video message that contains video data of a user, or that the captured video data is included in the video portion of the video message, as provided in Applicants' claim 1.

Since Kojima fails to teach at least the above features of claim 1, Applicants submit that claim 1 is not anticipated by Kojima, and thus, patentable under 35 U.S.C. §102.

Claims 2, 4-9 and 24

Since claims 2, 4-9 and 24 depend from claim 1 and recite additional features, these claims are also not anticipated by Kojima for at least the same reasons set forth above.

Furthermore, since Kojima does not teach features of the PC as relating to a video message in the manner of the additional features of claims 2, 4-9 and 24, these claims are also not anticipated by Kojima. Dependent claims 4 and 24 are further discussed below to illustrate patentability based on these additional reasons.

Regarding claim 4, the Office Action cited Kojima's FIGS. 9-10 as allegedly teaching the features of: "wherein said video display is further for displaying information corresponding to at least one of the recording and the playing back of the video message" (see p. 5, Office Action).

Applicants disagree with such an interpretation.

All that FIGS. 9-10 show are different views of various applications windows with respect to the operation of a shutter. Specifically, FIG. 9 shows that, before the shutter is pushed, the capture application window is partially obscured by the windows of other applications programs. FIG. 10 shows that, when the shutter is half-pushed, the capture application window appears in front of the other windows.

However, FIGS. 9-10 do not show any information about the recording or playback of a video message, and thus, there is no teaching of displaying "information corresponding to at least one of the recording and the playing back of the video message," as provided in claim 4. As such, claim 4 is not anticipated by Kojima's FIGS. 9-10 for this additional reason.

Regarding claim 24, the Office Action cited Kojima's FIG. 7, col. 3, lines 4-13, as allegedly teaching an external bus for connecting to an external device to retrieve the video message or to receive remote instructions for retrieving the video message.

However, all that Kojima teaches, in FIG. 7 and related discussion, is that the external bus is:

"connected to a hard disk drive (HDD) 56, an I/O (input/output) controller 57, a keyboard controller 58, a track point controller 57, a keyboard controller 58, a track point controller 59, a sound chip 60, an LCD controller 83, and a modem 50."

There is simply no teaching of connecting to any external device to retrieve a video message or remote instructions for retrieving the video message, as provided in claim 24. Thus, claim 24 is not anticipated by Kojima for this additional reason.

C. 35 U.S.C. §103

Claims 3, 10-14, 16-23 and 25-29 are rejected under 35 U.S.C. §103 as being unpatentable over Kojima in combination with one or more references and Official Notices, as summarized below:

Claim 3: rejected over Kojima in view of Kusaka et al. (US 2003/0012559).

Claim 10: rejected over Kojima in view of Mooney et al (US 6,351,813, "Mooney").

Claim 11: rejected over Kojima in view of Huang et al. (US 6,247,052, "Huang").

Claim 12: rejected over Kojima in view of Huang and Mooney.

Claim 13: rejected over Kojima in view of Huang and Umeda (US 2001/0017977, "Umeda").

Claim 14: rejected over Kojima in view of Huang, Umeda and Office Notice.

Claim 16: rejected over Kojima in view of Nishimoto et al. (JP 10-240904, "Nishimoto").

Claim 17: rejected over Kojima in view of Cordray et al. (US 2002/0156781, "Cordray").

Claims 18, 21-23 and 27-29: rejected over Kojima and Official Notices.

Claim 19: rejected over Kojima in view of Roffman (US 6,375,568, "Roffman").

Claim 20: rejected over Kojima in view of Goldstein (US 5,410,326, "Goldstein").

Claims 25-26: rejected over Kojima in view of Umeda.

Since claims 3, 10-14, 16-23 and 25-29 depend, either directly or indirectly from claim 1, and there is no showing in the Office Action that any of the secondary references or Official Notices provides features missing in Kojima as previously discussed with respect to claim 1, Applicants submit that these dependent claims are also patentable under 35 U.S.C. §103 over Kojima and the respective cited references and Official Notices.

Furthermore, these claims are patentable for the additional reasons discussed below.

No logical basis for combining references in suggested manner

Applicants submit that there is no motivation to combine Kojima with the various references cited in the respective 103 rejections because Kojima's invention is designed to address a very specific problem of image capture encountered with prior art computers, namely, that an opportunity of capturing a good picture may be missed because of the time required to operate a pointing device in conjunction with other controls or buttons. Thus, Kojima provides a single-button operation for efficient image capture. (See Kojima, col. 1, lines 21-48.)

Since neither the problem nor the solution in Kojima bears any direct relevance to the selected features or problems addressed in the other cited references, there is no logical basis for combining these references in the manner suggested in the Office Action, i.e., selecting a specific feature from among many features in a reference without any rationale for the specific selection or combination.

Applicants submit that such a selective combination of features can only be a result of impermissible hindsight based on Applicants' teaching, namely, that the features are selected from the references and combined based on similar features recited in Applicants' claims.

In addition, even if combined, Kojima and the respective references still would not have resulted in Applicants' invention, as provided in the respective claims. Further discussions of some of these claims are presented below.

Claim 3

For example, in rejecting claim 3 (which depends from claim 2), the Office Action acknowledged that Kojima fails to disclose a synchronization device for synchronizing playback of an audio portion with the video portion of a video message. Thus, Kusaka's FIGS. 1 and 13 and paragraphs 63-64 and 126-127 were cited for teaching a CPU for controlling reading of file, and synchronizing reproduction of images and audio by a synchronization control unit in order to allow a user to reproduce the image and audio as designated by the user.

The Office Action stated that it would have been obvious to modify Kojima's device by the teaching of Kusaka in order to allow a user to reproduce the image and audio exactly as designated by user's own (Office Action, p.7).

Applicants respectfully disagree that such a modification is justified, and furthermore, that it would have resulted in Applicants' claim 3.

Specifically, Kusaka teaches an image and audio reproducing apparatus that allows different types of data, e.g., image, audio or image/audio multiplex data, to be edited and freely and easily combined by a user. Based on reproduction information data, data is then reproduced in synchronism by a CPU by using synchronization control means (Kusaka, Abstract, para. 4-6).

Applicants submit that, due to the different problems addressed by Kojima and Kusaka, when the references are each considered as a whole and in the proper context, there is no logical basis for combining Kojima's PC designed for a single-button image capture operation with Kusaka's system for editing and reproduction of audio/video data.

Furthermore, similar to Kojima, there is no teaching in Kusaka regarding the use of the video or audio data for inclusion in a video message for a video message system.

Thus, the combined teaching of Kojima and Kusaka still would not have resulted in Applicants' claim 3.

Claim 10

In rejecting claim 10, the Office Action acknowledged that Kojima fails to disclose an encryption/decryption device for encrypting and decrypting the video message. Thus, Mooney's FIGS. 1 and 3A, col. 3, lines 60-67 and col. 4, lines 37-56 were cited for teaching a special security program that encrypts and decrypts files stored on electronic storage devices (Office Action, p. 7). The Office Action stated that it would have been obvious to modify Kojima by Mooney's teaching to provide a means for security files stored on the system so that only an authorized user can access the computer.

Applicants submit that, due to the different problems addressed by Kojima and Mooney (which teaches an access control/crypto system with a smart card reader and access control program for determining if a user is authorized to access a computer), when the references are each considered as a whole and in the proper context, there is no logical basis for combining Kojima's teaching of a PC having single-button image capture, with Mooney's access control/crypto system with a smart card reader.

Furthermore, there is no showing in the Office Action that Mooney provides the features missing in Kojima as previously discussed in connection with claim 1, i.e., no teaching for including video or audio data in a video message system. Thus, even if combined, Kojima and Mooney still would not have resulted in Applicants' claim 10.

Claims 11-12

Claim 11 depends from claim 1, and further provides "a user input device for receiving a pre-designated message retrieval code from a user; and a password manager for blocking access to the message until the pre-designated message retrieval code provided by the user is verified."

In rejecting claim 11, the Office Action acknowledged that Kojima fails to disclose the features of claim 11, and cited Huang's col. 6, lines 52-65 for teaching a graphic user interface for a telecommunication switch management system, in which a user's ID and password are verified

for user access to a computer (Office Action, p. 8). The Office Action stated that it would have been obvious to combine Kojima with Huang to provide a means for security of the system.

Claim 12 depends from claim 11, and further provides an encryption/decryption device for encrypting and decrypting the video message.

In rejecting claim 12, the Office Action cited Mooney for a security program that encrypts and decrypts files stored on electronic storage devices, and stated that it would have been obvious to combine Kojima with Huang and Mooney to provide a means for security files and only an authorized user can access the computer (Office Action, p. 8).

However, given the vastly different problems addressed by Kojima and Huang, namely, a PC with single-button operation for image capture, and a user interface for a telecommunication switch management system for user access control, respectively, Applicants submit that there is no logical basis to combine the selected features of Kojima with Huang in the manner suggested in the Office Action.

Furthermore, since there is no showing in the Office Action that either Huang or Mooney provides the features missing in Kojima as discussed above in connection with claim 1, the combined teaching of Kojima, Huang and Mooney still would not have resulted in Applicants' claims 11 and 12.

Claim 17

Claim 17 depends from claim 1, and further provides "a memory device for storing a plurality of visual fortune cookies; and a processor for randomly selecting a visual fortune cookie from among the plurality of visual fortune cookies for display on said display device."

In rejecting claim 17, the Office Action cited Cordray's paragraphs 13 and 44 (Office Action, p. 10) for teaching a computer instruction for managing cookies in a data processing system, which are stored in a temporary data store for a duration of the browser program session.

However, the visual "fortune cookies" in Applicants' claim 17 are totally different from the cookies taught in Cordray. Specifically, Cordray's cookies refer to files in connection with a browser program, while the visual "fortune cookies" in claim 17 refer to visual depictions of cookies folded to contain a slip of paper with a printed fortune, proverb, or humorous

statement (e.g., Merriam-Webster online dictionary, <http://www.merriam-webster.com/dictionary/>).

Thus, even if combined, Kojima and Cordray still would not have resulted in Applicants' claim 17.

Claims 14, 18, 21-23 and 27-29

Claim 14 is rejected over Kojima, Huang, Umeda and Official Notice.

Claims 18, 21-23 and 27-29 are rejected over Kojima and Official Notices. Specifically, Official Notices were taken for the respective claims that it is well known in the art to include the following features (quotations from the Office Action):

Claim 14: "to delay a notification of the video message until a specified time corresponds to a known time period when children are remote from the video message system since at that time, the children are not present, a parent can play a message, which he/she does not want the children see" (Office Action, p. 9);

Claim 18: "a daily scheduler to a video message system such as a laptop or a personal computer in order to let a user to prepare a schedule of working in a day" (Office Action, p. 11);

Claim 21: "a telephone into a personal computer in order to make more convenient for a user when to make call or receiving a call while working on the personal computer" (Office Action, p. 11);

Claims 22-23: "a message indicator telephone into a personal computer to inform an information to a user" (Office Action, p. 11);

Claim 27: "a timer into a personal computer in order to inform a time of recording a message to a user" (Office Action, p. 11);

Claim 28: "a timer into a personal computer in order to inform a time amount remaining of recording a message to a user" (Office Action, p. 12); and

Claim 29: "a timer into a personal computer in order to inform a time amount remaining of a current playback of a message to a user" (Office Action, p. 12).

Applicants respectfully traverse the taking of Official Notices in these claim rejections, and request evidentiary support that the respective features in these claims were indeed well-known in a video message system at the time of the present invention.

Furthermore, since claims 14, 18, 21-23 and 27-29 depend from claim 1, either directly or indirectly, and recite additional features, these claims are also patentable for the same reasons set forth above in connection with claim 1.

CONCLUSION

In view of the foregoing amendments and the accompanying remarks, Applicants respectfully solicit entry of this amendment and allowance of the claims.

However, if the Examiner believes that there are still unresolved issues relating to this response, please call Applicants' attorney at 609-734-6834 to expedite the resolution of any remaining issues.

Respectfully submitted,

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